

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

William Richard, *et al.*,

Plaintiffs,

v.

JB Pritzker and Rob Jeffreys, in their official capacities,

Defendants.

No. 20 C 2093

Honorable Steven C. Seeger

NOTICE OF VOLUNTARY DISMISSAL

Plaintiffs move to voluntarily dismiss this action without prejudice in compliance with the terms of the executed settlement agreement. In support of this voluntary dismissal, the Plaintiffs state as follows:

1. Plaintiffs filed this lawsuit on April 2, 2020, alleging that prison settings “pose a particular risk of spreading the COVID-19, with catastrophic consequences not just to the prisoners and staff, but also to their communities and the hospitals that serve them.” Plaintiffs’ complaint further alleged that the Illinois Department of Corrections “continue[d] to house thousands of elderly disabled and medically vulnerable prisoners who could be released, many of whom are approaching their release dates and have homes in which they could safely quarantine.” The complaint described the specific release mechanisms IDOC officials had at their disposal, but failed to implement in the face of the pandemic. The complaint further alleged that these failures violated the Plaintiffs’ rights pursuant to the Eighth and Fourteenth Amendments to the U.S. Constitution and the Americans with Disabilities Act.

2. On April 10, 2020, the Court denied the Plaintiffs’ requests for emergency relief and for class certification. (Doc 38). Plaintiffs filed an amended complaint on May 20, 2020. (Doc. 48). Shortly thereafter, and before defendants filed a responsive pleading, the parties

began settlement talks in an effort to resolve this lawsuit without further litigation. After almost a year of negotiations, the Parties have reached a settlement agreement that includes the following terms:

- a. “In connection with efforts to reduce the risk of COVID-19 in Illinois prisons, Defendants have been and will continue to cause the IDOC to identify and evaluate medically vulnerable prisoners for release through legally available mechanisms.” Additionally, for people in custody within nine months of their release date and who are statutorily eligible for earned discretionary sentencing credit (EDSC),¹ the IDOC will award 60 days of EDSC to those with a low risk level and 30 days of EDSC credit to those with a medium risk level. The IDOC will use its best efforts to process these awards within the next thirty days.
- b. The IDOC will provide expedited reviews for the named Plaintiffs who are statutorily eligible for release mechanisms.
- c. The IDOC will train the Assistant Wardens of Operations and Programs, Health Care Unit Administrators, and ADA Coordinators at all facilities on the Americans with Disabilities Act and on providing COVID-19 related reasonable accommodations to medically vulnerable people with disabilities.
- d. Unless extended by the Parties, the Agreement will terminate on July 1, 2021 and the Defendants will pay the Plaintiffs’ attorneys’ fees.
- e. The named Plaintiffs released the IDOC from all injunctive claims that accrued prior to March 12, 2021.

¹ Illinois State Law and Administrative Directives set forth the eligibility requirements for EDSC. See 730 ILCS 5/3-6-3

Consistent with the terms of the above referenced settlement agreement, the Plaintiffs move this Honorable Court to dismiss this case without prejudice. Within five business days of the Department's submittal of a payment voucher for attorneys' fees to the Comptroller, the Plaintiffs will move to dismiss this action with prejudice.

Respectfully submitted,

s/Sheila A. Bedi

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that she filed the foregoing document via the Court's CM/ECF system on March 23, 2021.

/s/ Sheila A. Bedi